

REMARKS/ARGUMENTS

Claims 1-31 are presently pending in this case, Claim 28-31 having been amended by the present amendment to make changes in nomenclature. No new matter has been added.

In response to the Restriction Requirement dated October 6, 2003, Applicants elect with traverse Group IV, Claims 28-31, drawn to planning a manufacturing system based on power usage, classified in class 700, subclass 97. Applicants reserve the right to file one or more divisional applications directed to the non-elected inventions.

The Restriction Requirement asserts that the application contains claims to distinct inventions. However, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action identifies different search classifications, it is believed that the claims of the present application would have to be searched in only a small handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain four separate applications.

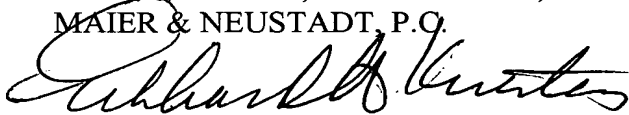
Application No. 09/867,465

Reply to Office Action of November 10, 2003

Accordingly, examination on the merits is believed to be in order, and an early and favorable action on Claims 1-31 is respectively requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



---

Eckhard H. Kuesters  
Attorney of Record  
Registration No. 28,870

Customer Number

**22850**

Tel: (703) 413-3000

Fax: (703) 413 -2220

(OSMMN 08/03)

I:\ATTY\EHK\AMEND-RESPONSES\0039\209253US-AMT-PE.DOC